

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s) : Ibert Clifton Wells  
Serial No. : Not yet assigned  
Filing Date : Not yet assigned  
Title : ANTAGONISTS OF THE MAGNESIUM BINDING DEFECT AS THERAPEUTIC AGENTS AND METHODS FOR TREATMENT OF ABNORMAL PHYSIOLOGICAL STATES  
Group/Art Unit : Not yet assigned  
Examiner : Not yet assigned  
Confirmation No. : Not yet assigned  
Atty. Docket No. : 800812-0008

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. § 1.56, § 1.97, and § 1.98, the accompanying form PTO-892 and forms PTO-1449 are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application. The present application is a divisional application of U.S. Application Serial No. 10/230,133, filed August 29, 2002, which is a divisional application of U.S. Application Serial No. 09/635,266, filed August 9, 2000 (now U.S. Patent No. 6,455,734). The cited documents are already of record in the parent case, and therefore, copies are not being submitted with the present statement pursuant to 37 C.F.R. § 1.98(d). Submission of these references is not an admission that the references constitute prior art.

**Certificate of Mailing Under 37 C.F.R. 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

Date: October 28, 2003

Signature: Lora Gurley

Printed Name: Lora Gurley

The Director is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 19-4409.

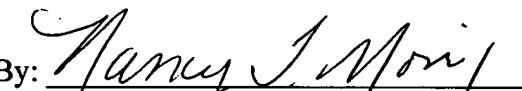
Applicant[s] respectfully request[s] that these references be made of record in the above-identified application and considered by the Examiner during prosecution of the application.

It is respectfully submitted that the present invention as claimed is patentable over the listed references.

This information disclosure statement is being filed within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d) or before the mailing of a first Office Action on the merits. Accordingly, no fee is due.

Acknowledgment of receipt is respectfully requested.

Respectfully submitted,

By:   
Nancy T. Morris, Reg. No. 42,017  
STINSON MORRISON HECKER LLP  
1201 Walnut, Suite 2800  
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Attorney for Applicant[s]

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<p>Substitute for Form 1449A/PTO</p> <p><b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b></p> <p>(use as many sheets as necessary)</p> <p><i>JC154</i></p>		<i>Complete if Known</i>	
		<b>Application Number:</b>	10/230,133
		<b>Filing Date:</b>	August 29, 2002
		<b>First Named Inventor:</b>	Ibert Clifton Wells
		<b>Group Art Unit:</b>	1621
<b>Examiner Name:</b>	<i>Not Yet Assigned S. Kerner</i>		
<b>Sheet</b>	1	<b>of</b>	2
		<b>Attorney Docket Number:</b> 2892-106	

## U. S. PATENT DOCUMENTS

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- 8-2003

FEB 28 2003

FEB 16 1990  
TECH CENTER 1600/2900

## FOREIGN PATENT DOCUMENTS

Examiner  
Signature

S. Turner

Date  
Considered

7/16/03

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<sup>1</sup>Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

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		<b>Application Number:</b>	10/230,133
		<b>Filing Date:</b>	August 29, 2002
		<b>First Named Inventor:</b>	Ibert Clifton Wells
		<b>Group Art Unit:</b>	1621
		<b>Examiner Name:</b>	Not Yet Assigned
		<b>Attorney Docket Number:</b>	2892-106
JC	1	Sheet	2 of 2

**OTHER REFERENCES – NON PATENT LITERATURE DOCUMENTS AND INFORMATION**

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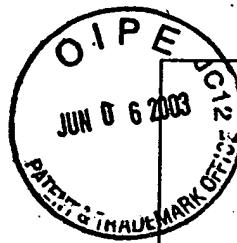
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Examiner Signature	S. Kumar	Date Considered	7/17/03
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Application Number:	10/230,133
Filing Date:	August 29, 2002
First Named Inventor:	Ibert Clifton Wells
Group Art Unit:	1621
Examiner Name:	Not Yet Assigned - S. Klimas
Attorney Docket Number:	2892-106

**U. S. PATENT DOCUMENTS**

## FOREIGN PATENT DOCUMENTS

**Examiner  
Signature**

S. Kerner

Date  
Considered

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Sheet 2 of 2

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Examiner Signature	S. J. Curro	Date Considered	7/16/01
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## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

**Complete if Known**

Application Number	09/635,266 <i>Rev 10/230/33</i>
Filing Date	August 9, 2000 <i>herein with 8/29/02</i>
First Named Inventor	Ibert Clifton WELLS
Group Art Unit	1624 <i>1621</i>
Examiner Name	K. Habte <i>S. Kumar</i>
Attorney Docket Number	W16-3 (N1427-002) <i>2892-106</i>

Sheet

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of

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## U.S. PATENT DOCUMENTS

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and not considered. Initial if reference is not in conformance

<sup>1</sup>Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code. <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language translation is attached. AB indicates that only an English language abstract is attached.

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

Complete If Known

Application Number	09/635,266 New 10/230,133
Filing Date	August 9, 2000 <del>Received 8/29/02</del>
First Named Inventor	Ibert Clifton WELLS
Group Art Unit	162
Examiner Name	S. Kumar

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of

1

Attorney Docket Number

W16-3 (N1427-002) 2892-106

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>6</sup>
S. Kumar		EDVINSSON, L., et al., "Reduced levels of calcitonin gene-related peptide (CGRP) but not substance P during and after treatment of severe hypertension in man," <i>J. Human Hypertension</i> , 1989, 3:267-270.	
		FAULHABER, H.D., et al., "Substance P in Human Essential Hypertension," <i>J. Cardiovasc. Pharmacol.</i> , 1987, 10(Suppl. 12):S172-S176.	
		MEYER, P., and MARCHE, P., "Cell Membrane in Hypertension," <i>The American Journal of Medical Sciences</i> , April, 1988, 295(4):396-399.	
		MORI, K., et al., "Decreases in Substance P and Vasoactive Intestinal Peptide Concentrations in Plasma of Stroke-Prone Spontaneously Hypertensive Rats," <i>Jpn. Heart J.</i> , November, 1993, 34(6):785-794.	
		RESNICK, L.M., et al., "Intracellular free magnesium in erythrocytes of essential hypertension: Relation to blood pressure and serum divalent cations," <i>Proc. Natl. Acad. Sci. USA</i> , October, 1984, 81:6511-6515.	
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		TAKANO, Y., et al., "Substance P immunoreactivity released from rat spinal cord after kainic acid excitation of the ventral medulla oblongata: a correlation with increases in blood pressure," <i>Brain Research</i> , 1984, 291:168-172.	
Examiner Signature	S. Kumar		Date Considered 7/17/03

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INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

Complete if Known

Application Number 09/635,266 ~~11040~~  
Filing Date August 9, 2000 ~~8/29/00~~  
First Named Inventor Ibert Clifton WELLS  
Group Art Unit ~~155~~ 162  
Examiner Name *S. Kimm*

11040 8/29/00  
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11040 8/29/00  
11040 8/29/00

Sheet 1 of 2 Attorney Docket Number W16-3 (N1427-002) 2892-106

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code (if known)		
<i>SK</i>		5,268,359		Harmar et. al.	12-07-1993
		5,491,140		Bruns et al.	02-13-1996
		5,492,927		Gitter et al.	02-20-1996
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		5,563,133		Hipskind	10-08-1996
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		5,594,022		Horwell et al.	01-14-1997
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		5,616,562		Murphy et al.	04-01-1997
<i>SK</i>		5,670,499		Cho et al.	09-23-1997
<i>SK</i>		5,684,033		Cho et al.	11-04-1997
<i>SK</i>		5,698,710		Sisto et al.	12-16-1997

Examiner Signature

*S. Kimm*

Date Considered

7/17/03

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<sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language translation is attached. AB indicates that only an English language abstract is attached.

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

Co., if Known

Application Number	09/635,266 <del>new</del> 10/230,133
Filing Date	August 9, 2000 <del>Received 8/29/02</del>
First Named Inventor	Ibert Clifton WELLS
Group Art Unit	1614 1621
Examiner Name	S. Kumar

Sheet

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of

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Attorney Docket Number

W16-3-(N1427-002) 289.2-106

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>6</sup>
<i>SC</i>		FRICKEY, P.H., et al., "Preparation and Characterization of Monoclonal Antibodies to Substance P," <i>Hybridoma</i> , Nov. 6, 1991, 10:685-694.	
		HORWELL, D.C., "Use of the Chemical Structure of Peptides as the Starting Point to Design Nonpeptide Agonists and Antagonists at Peptide Receptors: Examples with Cholecystokinin and Tachykinins," <i>Bioorganic &amp; Medicinal Chemistry</i> , 1996, 4(10):1573-1576.	
		MATTINGLY, M.T., et al. "Decreased Cell Membrane Magnesium in Some Essential Hypertension Patients," <i>Clin. and Exper. Hyper.-Theory and Practice</i> , 1991, 13:65-82 (author's reprint enclosed-total of 20 pages). (1)	
		THEODORSSON-NORHEIM, E., et al., "Neuropeptide K: A Major Tachykinin in Plasma and Tumor Tissues from Carcinoid Patients," <i>Biochemical and Biophysical Research Communications</i> , 1985, 131:77-83	
		WELLS, I.C., et al., "Abnormal magnesium metabolism in two rat models of genetic hypertension," <i>Can. J. Physiol. Pharmacol.</i> , 1992, 70:1225-1229.	
Examiner Signature		S. Kumar	Date Considered 7/17/03

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10/230,735

Application/Control No. 10/230,735  
09/095,206Applicant(s)/Patent Under Reexam.  
M&S

Examiner S. Kumar

Art Unit 1601

Page 1 of 1

## Notice of References Cited

## U.S. PATENT DOCUMENTS

#	Document Number Country/Code/Number/Kind Code	Date MM-YYYY <sup>1</sup>	Name	Classification <sup>2</sup>
A				1040 U.S. 20183
B				
C				
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## FOREIGN PATENT DOCUMENTS

#	Document Number Country/Code/Number/Kind Code	Date MM-YYYY <sup>1</sup>	Country	Name	Classification <sup>2</sup>
N	2,166,316	08/1973	France		
O	2,065,879	08/1976	Germany		
P					
Q					
R					
S					
T					

## NON-PATENT DOCUMENTS

#	Include, as applicable: Author, Title, Date, Publisher, Edition or Volume, Pertinent Pages
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\* A copy of this reference is not being furnished with this Office action. See MPEP § 707.05(e).

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